

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date April 16, 2003 **Division** **County Attorney**

AGENDA ITEM WORDING

Public hearing on an ordinance to prohibit discrimination on the basis of gender identity or expression for employment or in housing.

ITEM BACKGROUND

PREVIOUS RELEVANT BOCC ACTION

Adoption of Chapter 13.

CONTRACT/AGREEMENT CHANGES

N/A

STAFF RECOMMENDATIONS

Approval.

TOTAL COST
COST TO COUNTY

BUDGETED Yes No
SOURCE OF FUNDS

APPROVED BY: County Attorney ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


J. R. COLLINS

DOCUMENTATION: Included ☐ To Follow ☐ Not Required ☐

AGENDA ITEM # 51

ORDINANCE NO. - 2003

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 13-102, 13-103, 13-112, AND 113-115 MONROE COUNTY CODE, TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENDER IDENTITY OR EXPRESSION FOR EMPLOYMENT OR IN HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds that prohibiting discrimination on the basis of gender or identity or expression in the best interest of the health, safety and welfare of the citizens of Monroe County; now, therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Sec. 13-102, Monroe County Code, is hereby amended by adding the following definition:

Gender identity or expression means having, or being perceived as having, a gender-related self-identity, self-image, appearance, expression or behavior, whether or not such gender-related characteristics differ from those associated with the person assigned sex at birth.

Section 2. Sec. 13-103(a), Monroe County Code, is hereby amended to read as follows:

(a) No person shall directly or indirectly discriminate against any individual in hiring, classification, grading, discharge, discipline, compensation or other term or condition of employment because of the individual's race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age. No employment agency shall directly or indirectly discriminate against any individual in classification, processing, referral or recommendation for employment because of the individual's race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age. The prohibitions contained in this paragraph shall not apply to any of the following:

(1) Use of an individual's unfavorable discharge from military service as a valid employment criterion where the affected position of employment involves the exercise of fiduciary responsibilities and the reasons for the unfavorable discharge related to his or her fiduciary capacity.

- (2) Hiring or selecting between individuals for bona fide occupational qualifications.
- (3) Giving preferential treatment to veterans and their relatives as required by federal or state law or regulation.

Section 3. Secs. 13-103(d) and (e), Monroe County Code, are hereby amended to read as follows:

(d) No person shall discriminate against any individual in any aspect of any credit transaction, or in any terms and conditions of bonding because of the individual's race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

(e) No person who owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual's race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age. The prohibition contained in this section, shall not apply to any facility, as to discrimination based on sex, which is distinctly private in nature, such as restrooms, shower rooms, and dressing rooms.

Section 4. Sec. 13-112(e), Monroe County Code, is hereby amended by adding the following definition:

Discrimination means any difference in treatment based on race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

Section 5. Secs. 13-115(1), (3), (4), (5), (8), (9), and (10), Monroe County Code, are hereby amended by adding the following definition:

(1) To refuse to sell, purchase, rent or lease, or otherwise deny to or withhold any housing accommodation from a person, or to evict a person because of his race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

(3) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

(4) To evict or to refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to a person because of race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

(5) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

(8) To induce or discourage, or to attempt to induce or discourage:

- a. the sale;
- b. the purchase;
- c. the rental;
- d. the lease;
- e. the listing for a, b, or d, above of any housing accommodations in an area by means of:
 - 1. Causing panic;
 - 2. Inciting unrest; or
 - 3. Creating or playing upon fear, by representing that the presence or anticipated presence in that area of persons of any particular race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age, will or may result in:
 - (i) The lowering of property values in the area;
 - (ii) The increase in criminal or antisocial behavior in the area; or
 - (iii) A decline in the quality of the schools serving the area.

(9) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying there for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

(10) To deny any person who is otherwise professionally qualified by state law access to, or membership or participation in, any multiple listing service, real estate broker's organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate

against him in the terms or conditions of such access, membership, or participation, on account of race, color, sex, religion, disability, national origin, ancestry, sexual orientation, gender identity or expression, familial status or age.

Section 6. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 8. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 9. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2003.

Mayor Spehar
Mayor Pro Tem Nelson
Commissioner McCoy
Commissioner Neugent
Commissioner Rice

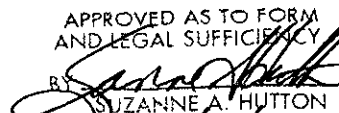
(SEAL)
Attest: DANNY L.KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

jorddiscriminate

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY 
SUZANNE A. HUTTON
DATE 2/28/03